

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: May 2, 2024

Time: 10:00 a.m.

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In re:

Chapter 13

Case No.: 24-41557-206

NATHANIEL BOYER

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Jil Mazer-Marino, United States Bankruptcy Judge on the 2nd day of MAY, 2024 at 10:00 a.m., at the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York, 11201, for an Order pursuant to 11 U.S.C. §§§ 109(g), 521, & 1307(c), dismissing this case, and barring the debtor(s) from filing another petition under Chapter 13 or converting a Chapter 7 to Chapter 13 for a period of one (1) year, by reason of the debtor(s)' prior filings, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE NOTICE, that the hearing shall not be held in person but shall be held telephonically or by video. Those intending to appear at the hearing must register with eCourt Appearances no later than two (2) days prior to the hearing. The phone number or video link for the hearing will be emailed to those that register with eCourt Appearances in advance of the hearing. Instructions for registering with eCourt Appearances can be found at <https://www.nyeb.uscourts.gov/node/2126>. If you do not have internet access or are otherwise unable to register with eCourt Appearances, you may call or email Judge Mazer-Marino's courtroom deputy for instructions at (347)394-1844, jmm_hearings@nyeb.uscourts.gov.

PLEASE TAKE NOTICE, that the hearing on the Motion may be adjourned without notice other than announcement in open Court.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than three (3) days prior to the return date of this motion.

Dated: Islandia, New York
April 12, 2024

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7908

To: *Office of the United States Trustee*
NATHANIEL BOYER, Pro-Se Debtor(s)
All Interested Parties and Creditors

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

tmm1634

Chapter 13
Case No.: 24-41557-206

NATHANIEL BOYER

Debtor(s)

APPLICATION

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TO THE HONORABLE JIL MAZER-MARINO, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee in the above captioned estate,
respectfully represents as follows:

1. The debtor(s) filed a Chapter 13 petition under the provisions of 11 U.S.C. on, April 11, 2024, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. Upon information and belief, this is the third (3rd) petition for relief filed by the debtor(s), under Chapter 13, dating back to June 14, 2022.
3. The first petition was filed pro se by the debtor(s) under case number 22-41354-206 on June 14, 2022. The debtor's Chapter 13 case was automatically dismissed by the court, for failure to file documents, on August 1, 2022. The second petition was filed pro se by the debtor(s) under case number 22-43209-206 on December 29, 2022. The debtor's Chapter 13 case was automatically dismissed by the court, for failure to file documents, on February 13, 2023.
4. This appears to be nothing more than another filing for the sole purpose of obtaining the rights and benefits of the Automatic Stay, as provided in 11 U.S.C. §362.
5. This is a material default and is prejudicial to the rights of the creditors of the debtor(s).

WHEREFORE, the Trustee requests an Order pursuant to the provisions of 11 U.S.C. §§ 109(g), 521, & 1307(c), dismissing this case and barring the debtor(s) from filing another petition under Chapter 13 or converting a Chapter 7 to Chapter 13 for a period of one (1) year, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York
April 12, 2024

/s/ **Michael J. Macco**
Michael J. Macco, Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7908

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----x
IN RE:

NATHANIEL BOYER

Debtor.
-----x

Case No: 24-41557-206

**CERTIFICATE OF SERVICE
BY MAIL AND ELECTRONIC
SERVICE**

This is to certify that I, Bruce Le, have this day served a true, accurate and correct copy of the within ***Notice of Motion and Application***, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Nathaniel Boyer
157-16 134th Ave
Jamaica, NY 11434
Debtor(s)*

and upon the following parties, by the e-mail address designated by said parties for that purpose;

*Andrew Goldberg, Esq.
andrew@nyfclaw.com*

*Office of the United States Trustee
U.S. Federal Office Building
USTP.Region02.BR.TFRTDR@usdoj.gov*

This April 12, 2024

/s/ **Bruce Le**
Bruce Le, Paralegal
Office of the Standing Chapter 13 Trustee
Michael J. Macco, Esq.
2950 Express Drive South, Suite 109
Islandia, NY 11749
631-549-7908